

# CRS Report for Congress

## Kosovo: Review and Analysis of Policy Objectives, 1998-June 1999

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Julie Kim  
Specialist in International Relations  
Foreign Affairs, Defense, and Trade Division



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## **ABSTRACT**

This report provides an overview of U.S. and international policy objectives in Kosovo from 1998 to mid-1999, when NATO ended an 11-week air strike operation against Yugoslavia and began to deploy a U.N.-authorized peacekeeping force in Kosovo. It reviews stated objectives at various points during this period. It provides an analysis of how certain policy objectives evolved and discusses the extent to which they were or were not achieved. This report will not be updated. Related CRS products include: IB98041, *Kosovo and U.S. Policy*.

# Kosovo: Review and Analysis of Policy Objectives, 1998-June 1999

## Summary

Since the outbreak of violent conflict in the Serbian province of Kosovo in early 1998, the United States and European countries have been actively involved in various initiatives to end the conflict and restore peace. At first, international objectives, as expressed by the six-nation Contact Group and the U.N. Security Council, were limited to seeking a cease-fire in the province, ending the repression of the Kosovo civilian population by Serb forces and improving the humanitarian situation, and facilitating a political dialogue between the parties. As fighting continued, the United States pressed for NATO to threaten punitive air strikes in order to achieve compliance with U.N. demands. The Contact Group became more involved with the possible terms of a political settlement. In early 1999, the Contact Group sought Serb and Kosovar Albanian acceptance of a detailed interim peace plan that would restore substantial autonomy to the Kosovo population while upholding Yugoslavia's territorial integrity.

Yugoslav leader Slobodan Milosevic's rejection of the draft peace plan and his escalating use of force in Kosovo prompted NATO to launch a sustained air campaign, *Operation Allied Force*, against Serb targets throughout Yugoslavia beginning in March 1999. NATO leaders sought to deter Belgrade from a bloodier offensive in Kosovo and to damage Belgrade's military capacity. In response, however, Milosevic stepped up efforts to drive out the ethnic Albanian population from Kosovo, forcing hundreds of thousands of civilians across borders. NATO established five key conditions for Milosevic to meet before air strikes would end: an end to all military action in Kosovo; the withdrawal of Serb forces from Kosovo; agreement to the stationing of a NATO-led military presence in Kosovo; agreement to the return of all refugees; and, willingness to negotiate a political framework agreement for Kosovo. In June, Milosevic accepted a peace framework incorporating these demands, eventually leading to an end to the bombing campaign. U.S. and allied officials proclaimed victory for the operation and moved quickly toward a peacekeeping and peace implementation phase in Kosovo.

U.S. and European objectives in Kosovo remained largely consistent, although some evolved in response to changing circumstances and met with varying degrees of success. In late 1998, the threat of air strikes achieved the objective of averting a humanitarian disaster, at least for a while. In 1999, however, NATO did not succeed in deterring the largest Serbian offensives to date during the course of the air campaign. The humanitarian situation in Kosovo is likely to improve substantially in the absence of violent conflict. The NATO operation achieved Belgrade's agreement to withdraw all of its forces from Kosovo, and the rebel Kosovo Liberation Army's commitment to de-militarize under NATO supervision. A NATO-led peacekeeping force, KFOR, has been deployed to Kosovo under unified command and control arrangements, with Russian participation. Contrary to some expectations, NATO countries generally remained unified behind the air operation, though were divided on other military options. The objective of attaining a durable political settlement in Kosovo remains elusive, but has been superceded to some extent by the establishment of a virtual U.N. protectorate for Kosovo.

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# Kosovo: Review and Analysis of Policy Objectives, 1998-June 1999

## Introduction

After 78 days, NATO ended its military air campaign against the Federal Republic of Yugoslavia (FRY) on June 10, 1999, after Yugoslav leader Slobodan Milosevic had accepted international principles for a peaceful resolution to the conflict in Kosovo. Kosovo, a southern province of Serbia (which, together with the much smaller Montenegro, forms the FRY) became engulfed in violent conflict in early 1998 as Serbian and Yugoslav forces sought to eliminate, through brutally repressive means, the separatist threat presented by armed ethnic Albanian rebels, the Kosovo Liberation Army (KLA). Denied their former autonomous rights since Milosevic's ascent to power in 1989 and 1990, the majority ethnic Albanian population has sought full independence for Kosovo. The international community has supported greater autonomy for the Kosovo population, but generally has not backed Kosovo's claim to independence. As the conflict wore on, the United States and European countries became increasingly engaged in efforts to resolve the conflict. Belgrade's rejection of an internationally-sponsored peace plan and refusal to accept a series of international demands led NATO to launch Operation *Allied Force* in late March 1999, striking Yugoslav military targets in Kosovo and throughout Yugoslavia.

During the course of the air campaign, numerous commentators expressed doubt about the objectives, strategy, and conduct of the NATO operation. Some doubted that Milosevic would yield to western demands or ever cede control of Kosovo. Others urged NATO to prepare for a ground invasion of Yugoslavia in order to ensure victory. After its conclusion, President Clinton and other leaders of NATO countries proclaimed victory for Operation *Allied Force*, vindication of NATO's strategy, and a turning point for the civilian population of Kosovo. They claimed that all of NATO's objectives for the bombing campaign had been achieved. NATO shortly thereafter launched a peacekeeping operation in Kosovo, including forces from Russia and other non-NATO countries, in support of an emerging U.N. protectorate for the province. Some observers have questioned the claim of victory and the results of the NATO operation, in view of original objectives and continued uncertainties in Kosovo and Serbia.

This report provides an overview of stated U.S. and international policy objectives in Kosovo from 1998 through the end of the NATO air operation against Yugoslavia and passage of a Kosovo peace resolution by the U.N. Security Council in June 1999. It then analyzes the evolution of certain policy objectives according to

theme. An appendix provides a list of relevant documents and speeches referred to throughout this report.<sup>1</sup>

## Review of Stated Policy Objectives, 1998-1999

### Contact Group and U.N. Resolutions, 1998

Sustained violent conflict between Kosovar Albanian guerrillas and Serbian security forces began in late February 1998. The Kosovo Liberation Army (KLA) attacked Serbian police and Yugoslav Army units that, for their part, targeted and brutally attacked known KLA strongholds and other villages throughout the province. During this time, Belgrade mobilized and reinforced army and police forces in the province, while hundreds of thousands of Kosovar civilians became displaced. In the spring and summer of 1998, the international Contact Group comprised of the United States, Russia, Britain, France, Germany, and Italy, convened frequently to address the Kosovo conflict. Citing their interests in restoring peace and security to the region, Contact Group countries agreed to support some incentives as well as limited sanctions intended to help resolve the conflict. Statements by the Contact Group criticized Belgrade's indiscriminate use of force and repressive actions, but did not challenge the Federal Republic of Yugoslavia's sovereignty over Kosovo. International objectives were to end the violence and to facilitate a political dialogue between the parties.

On March 31, 1998, the U.N. Security Council passed Resolution 1160, which imposed an arms embargo on the Federal Republic of Yugoslavia (FRY), including Kosovo. It called on Belgrade to engage in negotiations on the political status of Kosovo with ethnic Albanian representatives. It called on the Kosovar Albanian leadership to condemn all terrorist activities. It said the restrictions could be lifted once Belgrade began a political dialogue with the Kosovar Albanian leadership, withdrew special police units from Kosovo, allowed access to Kosovo by humanitarian groups, and accepted a mission in Kosovo of the Organization for Security and Cooperation in Europe (OSCE).

Later in the year as fighting intensified, concerns grew about a looming humanitarian disaster. Fearing for the fate of hundreds of thousands of displaced Kosovar civilians as winter approached, the Contact Group countries pressed for further action. U.N. Resolution 1199, passed by the Security Council on September 23, 1998, demanded that the Yugoslav and Kosovar Albanian parties institute an immediate cease-fire, take steps to improve the humanitarian situation, and enter into a dialogue on a negotiated political solution. It made the following additional demands on Belgrade:

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<sup>1</sup>For a discussion of current U.S. objectives in Kosovo, see CRS Report RS20125, *Kosovo: Issues and Options for U.S. Policy*, by Steven Woehrel. For information on current developments in Kosovo, see CRS Issue Brief 98041, *Kosovo and U.S. Policy*, by Steven Woehrel and Julie Kim, updated regularly.

- cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;
- allow access to Kosovo by international monitoring and diplomatic missions;
- facilitate the return of all refugees and displaced persons and allow access for humanitarian aid organizations;
- make progress to a clear timetable toward achieving a political dialogue with the Kosovar Albanian community.

The resolution also called on Yugoslavia and the Kosovar Albanian community to cooperate fully with investigations into war crimes in Kosovo by the International Criminal Tribunal for the former Yugoslavia (ICTY). The resolution cited international concerns about the deteriorating humanitarian and human rights situation in Kosovo, and the flow of refugees to neighboring states. Citing Resolution 1199, NATO moved toward approving air strikes against the FRY unless it complied with the U.N. demands, although the resolution did not explicitly authorize the use of force to achieve compliance. The United States asserted that the resolution and the U.N. charter provided a sufficient legal basis for NATO air strikes, and NATO issued an "activation order" to authorize air strikes in October. President Clinton and other Administration officials said that the objective was to compel Milosevic's compliance with U.N. demands, by force if necessary.

## October 1998 Agreements

At the last minute, NATO air strikes were averted by Milosevic's agreement to terms worked out after many sessions with U.S. envoy Richard Holbrooke. Milosevic agreed to comply with all provisions of U.N. Resolutions 1160 and 1199. He signed two subsequent agreements with NATO and the OSCE establishing unarmed air and ground verification missions, known as the Kosovo Verification Mission (KVM). In addition, the Serbian government issued a unilateral statement that offered new elections in Kosovo within nine months, to be supervised by the OSCE. NATO commanders concluded a deal with Milosevic that reportedly required him to withdraw 4,000-5,000 Yugoslav army and 4,000 Serbian special police units from Kosovo (out of a combined total of about 30,000). After verifying initial compliance with these terms, NATO suspended the activation order for air strikes but stood ready to reinstate it. In announcing news of the Holbrooke agreement on October 12, 1998, President Clinton stated that his objective was "to end the violence in Kosovo which threatens to spill over into neighboring countries, and to spark instability in the heart of Europe,...to reverse a humanitarian catastrophe in the making,...and to seek a negotiated peace."

With the agreement, Holbrooke obtained Milosevic's commitment to adhere to U.N. demands for the first time. The presence in Kosovo of over 1,000 international verifiers of the Holbrooke agreements and many humanitarian organizations facilitated the delivery of aid to the province, preventing widespread starvation of displaced persons. However, compliance broke down almost immediately with numerous violations of the cease-fire by both the Serb and Kosovar sides, according to reports by the OSCE verification mission. After initially withdrawing some forces in

accordance with NATO demands, Belgrade sent additional army and police units to Kosovo in apparent preparation for a major offensive, without NATO retaliation. Moreover, little progress was made toward achieving a political settlement through the shuttle diplomacy efforts of U.S. envoy Chris Hill. By January 1999, compliance with the cease-fire was practically non-existent. The January 15 massacre of 45 Kosovar Albanian civilians in Racak<sup>2</sup> elicited widespread international outrage and sparked renewed diplomatic efforts to try to resolve the conflict. At a January 29 meeting, the Contact Group summoned Yugoslav and Kosovar parties to negotiations on a political settlement in Rambouillet, France. The goal was to achieve agreement, within a short deadline, on an internationally-sponsored settlement providing "substantial autonomy" for Kosovo, to be secured with the deployment in Kosovo of an international security force.

### **Rambouillet Draft Interim Agreement**

On February 6, peace talks opened at Rambouillet, sponsored by France and Britain and led by U.S., EU, and Russian negotiators. In a speech prior to the opening of the talks, Secretary of State Albright stated that the aim was to establish a "durable and fair interim agreement that will create a peaceful political framework for Kosovo while deferring the question of Kosovo's status for several years." Albright warned both parties that this diplomatic effort was backed by the threat of military action by NATO. NATO also prepared to embark on a peacekeeping mission if a political framework agreement were reached.

Negotiators circulated a draft Interim Agreement for Peace and Self-Government in Kosovo. The lengthy document proposed establishing a system of democratic self-government for Kosovo while upholding the sovereignty and territorial integrity of the FRY. Elections would be held in Kosovo within nine months. Human rights of all citizens in Kosovo would be guaranteed. The agreement called for outside involvement with the presence of international civil and military missions. It invited NATO to deploy a military force to ensure compliance and provide a secure environment, allowing NATO full and unimpeded access to all FRY territory. Most, but not all, Yugoslav forces would have to leave Kosovo in phases, although the presence of a limited border force would be allowed. A local, multi-ethnic police force would be created. All other forces, including the KLA, would be demilitarized. The agreement would be valid for a period of three years, after which an international conference would be held to establish a mechanism, understood to include a referendum, for determining Kosovo's final status.

Talks were extended an extra week, and then suspended after achieving preliminary approval by the Kosovar Albanian delegation but no acceptance by Belgrade. Conference sponsors said they had reached consensus on many aspects of the autonomous arrangements for Kosovo, but not on the so-called implementation chapters, including the international presence in Kosovo. After further delay, the Kosovar delegation finally signed the Rambouillet accords on March 18. As Belgrade continued to refuse to accept the terms of Rambouillet, especially with regard to an international security presence, the Kosovo talks in France were adjourned, having

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<sup>2</sup>OSCE Permanent Council statement, January 18, 1999.

failed to achieve the goal of a political settlement. Meanwhile, as the Rambouillet talks proceeded to their unsuccessful conclusion, violence continued to escalate in Kosovo.

### **Operation *Allied Force* Objectives and Conditions**

In response to Belgrade's attacks in Kosovo and intransigence at the peace talks, NATO revived its threat of air strikes. On March 22, 1999, President Clinton said NATO's objectives in Kosovo were to stop the killing and achieve a durable peace that restored self-government to the Kosovars. On March 23, NATO Secretary-General Javier Solana said the air campaign was the international community's response to Milosevic's failure to meet three core demands:

- acceptance of the interim political settlement negotiated at Rambouillet;
- observance of limits on the FRY army and police forces agreed in October;
- ending the excessive and disproportionate use of force in Kosovo.

On the first day of NATO's air operation (March 24), President Clinton gave an address to the nation in which he outlined three objectives of the mission:

- to demonstrate the seriousness of NATO's purpose;
- to deter an even bloodier offensive by Yugoslavia against innocent civilians in Kosovo;
- if necessary, to seriously damage the Serbian military's capacity to harm the people of Kosovo; to limit Milosevic's ability to make war in Kosovo.

As NATO began Operation *Allied Force* on March 24, Milosevic accelerated his massive ethnic cleansing campaign to drive out most of the ethnic Albanian population from Kosovo. The United States and other countries stepped up efforts to aid states neighboring Kosovo as they received hundreds of thousands of Kosovar refugees. In spite of the increased violence in Kosovo, NATO periodically expressed resolve to continue the air campaign until its objectives were met. As conditions for the bombing to cease, NATO established five core demands on Belgrade. NATO's objectives were for Milosevic to:

- stop all military action, violence and repression in Kosovo;
- withdraw from Kosovo his military, police, and paramilitary forces;
- agree to the stationing in Kosovo of an international military presence;
- agree to the return of all refugees and access to them by humanitarian aid organizations;
- provide assurance of his willingness to work on the basis of the Rambouillet Accords to establish a political framework agreement for Kosovo.

NATO said it should provide the “core” of the international military presence, under unified command and control. It subsequently specified that *all* Serbian and FRY forces had to withdraw from Kosovo.

On the diplomatic side, NATO countries worked with Russia in the context of the Group of 8 in an effort to reach Milosevic. On May 6, the G8 adopted general principles for a Kosovo political solution. The G8 statement called for the deployment of “effective international civil and security presences, endorsed and adopted by the United Nations,” making no mention of NATO. It also called for the establishment of an interim administration for Kosovo to be decided by the U.N. Security Council, signaling a shift away from a negotiated settlement between the parties and toward an international protectorate. G8 countries continued to work on these principles and on a draft U.N. resolution that would embrace the G8 principles. On June 3, FRY President Milosevic accepted a peace framework presented to him by Russian and EU envoys Viktor Chernomyrdin and Martti Ahtisaari. This text, negotiated beforehand between U.S., Russian, and European officials, restored NATO’s “substantial participation” and united command in the international security presence. It also called for the withdrawal of all FRY military, Serbian police, and paramilitary forces from Kosovo. (Texts of the G8 statement and peace framework are included as appendices to U.N. resolution 1244.) The NATO air campaign was suspended on June 10, after Belgrade began to comply with the terms of the Military Technical Agreement (MTA) worked out the previous day between NATO and the Yugoslav Army. The MTA detailed terms of a cessation of hostilities and the phased full withdrawal of all army and police units from Kosovo. The Military Technical Agreement also addressed terms of the deployment of a NATO-led Kosovo Force (KFOR) in Kosovo. On June 10, President Clinton claimed that Milosevic’s acceptance of the peace framework met NATO’s three core objectives: the withdrawal of Serb forces, the deployment of an international security force with NATO at the core, and the return of Kosovo civilians to their homes, to live in security and self-government.

### **U.N. Resolution 1244 and KFOR**

On June 10, the U.N. Security Council passed, 14 to 0, with China abstaining, Resolution 1244. A goal of the resolution was stated to be resolving the grave humanitarian situation in Kosovo and ensuring the safe return of all refugees and displaced persons. The resolution reaffirmed the sovereignty and territorial integrity of the FRY; it did not describe the status of Kosovo. It stated that a political solution would be based on the general principles made in the May and June G8 statements. It outlined the preliminary structure and missions of the international civil and security presences in Kosovo. The U.N. Secretary-General subsequently issued reports outlining the concept and structure of the international civil presence in Kosovo (S/1999/672 and S/1999/779).

## Evolution of Policy Objectives by Theme

The overriding U.S. and international objective to achieve peace and stability in Kosovo and the rest of southeastern Europe remained consistent during this period and will likely continue to guide international policy. The interest of the United States and other countries in achieving this broad objective was fueled by the perceived threat of the conflict expanding to other countries, including members of NATO, and the prospect of prolonged and massive human suffering in the Balkans. It was tempered, in the eyes of some observers, by questions about the U.S. stake in Kosovo, uncertainties regarding the use of military force to achieve political objectives in Kosovo, and concerns about the strategy of NATO's air campaign. It was also complicated by the actions of Slobodan Milosevic. As a result, many underlying objectives evolved to varying degrees as the situation on the ground changed over time and as the United States and other countries reacted to these changes.

Four components of the goal to restore peace and stability included the objectives of averting a humanitarian crisis in Kosovo and the region, securing a stable military situation on the ground conducive to a peace settlement, achieving a durable political settlement for Kosovo, and maintaining consensus within NATO. The evolution of each component is reviewed below.

### 1. Avert a humanitarian crisis

The escalation of violent conflict between the Serb forces and Kosovar rebels since early 1998 produced a rapid deterioration of the humanitarian situation in Kosovo. This phenomenon, and the prospect of a greater humanitarian catastrophe, increased the incentive of the international community, for the first time, to engage in efforts to reach a political settlement for Kosovo.<sup>3</sup> During 1998, the international community made frequent demands on Belgrade to cease offensive operations and dispatched diplomatic missions to promote a negotiated peace process. As the humanitarian situation continued to deteriorate with growing numbers of civilian casualties, refugees and displaced persons, and reports of atrocities, NATO countries agreed to back up diplomatic demands with the threat of air strikes. Under this threat, Milosevic agreed to international demands in October 1998. The agreements achieved a pause in the conflict, which was intended to bolster diplomatic efforts for a political resolution. Thus, a worst-case humanitarian predicament was temporarily averted, as humanitarian aid agencies gained access to the Kosovo population in need. However, by early 1999, violence had resumed and escalated.

One objective of NATO's Operation *Allied Force* was to deter Milosevic from further aggression against civilians in Kosovo, according to statements made by the President and other Administration and NATO officials. The allied military campaign failed to achieve this objective. Unlike in October when he withdrew some of his forces before a NATO military threat, this time Milosevic unleashed his largest ethnic cleansing campaign to date, driving over 800,000 Kosovars across the border within

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<sup>3</sup>Kosovo was not addressed, for example, at the 1995 Dayton negotiations on Bosnia-Herzegovina.

a few weeks. The massive influx of refugees to the poor and fragile neighboring countries of Albania and Macedonia threatened to spread instability rather than contain it. The Serb campaign also displaced hundreds of thousands more inside the province. Refugee accounts told of numerous massacres and other war crimes committed by Serbian forces during this time. International observer and aid missions withdrew from Kosovo prior to the bombing campaign. International aid agencies were therefore unable to provide humanitarian relief to the displaced population inside Kosovo, though they assisted refugees in neighboring countries (with the assistance of NATO forces stationed in these countries). In response to these events, western leaders pledged to ensure the return of all refugees and displaced persons to their homes. In an op-ed article, President Clinton wrote that "the question now is not whether (Milosevic's) ethnic cleansing will be reversed, but when."<sup>4</sup>

With the subsequent agreement to deploy a NATO-led force in Kosovo and the remarkably swift return of most of the refugees, the humanitarian situation in Kosovo has improved and is likely to show further improvement. Meeting this objective will depend on how the peace process progresses, what conditions returning Kosovar refugees find in their home towns, and how effectively humanitarian and reconstruction efforts proceed. Meanwhile, the mass exodus of ethnic Serbs from Kosovo since the start of KFOR's deployment in Kosovo has created new humanitarian challenges in Serbia.

## 2. Produce a military situation in Kosovo conducive to peace

Through 1998, an objective of the international community was to induce Yugoslav Army (VJ) forces stationed in Kosovo to return to their garrisons and demand that extra Serbian special police (MUP) units, the ones most responsible for the repression of Kosovar civilians, withdraw from the province. At the same time, the United States and its allies demanded that the KLA refrain from terrorist attacks on Serb police and the Yugoslav army. This limited objective reflected an acknowledgment of Belgrade's sovereignty over Kosovo and little support by western countries for the tactics or independence goals of the KLA. Under the October 1998 accords, Milosevic was to have reduced the number of Yugoslav army and Serbian police units in Kosovo to roughly the levels they were before the conflict erupted at the start of the year. According to the Defense Department, Milosevic would have been considered to be in compliance if 11,000 VJ troops and 10,000 MUP police remained in Kosovo.<sup>5</sup>

The worsening of the fighting by the end of 1998 and into 1999 caused a re-evaluation of the desired levels of Serbian forces in Kosovo. The Rambouillet agreement called for the phased withdrawal of most Yugoslav army and Serbian special police (MUP) forces over a period of months. It allowed 1,500 Yugoslav Army personnel to serve in border guard battalions, and up to an additional 1,000 troops to serve in border security functions. It also allowed 2,500 MUP police to remain in Kosovo for up to two years. These allowed presences granted Belgrade

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<sup>4</sup>*The New York Times*, May 23, 1999.

<sup>5</sup>Department of Defense background briefing, October 27, 1998.

some physical vestiges of sovereign control over its borders. As for the KLA, the Rambouillet agreement called for the demilitarization of all other forces under terms worked out by KFOR, and restrictions on where they could carry arms.

After Rambouillet failed, and especially after Milosevic significantly escalated the ethnic cleansing of Kosovo, the United States and NATO seized upon a new objective of getting all Yugoslav and Serbian forces out of Kosovo. It was thought that only a total Serbian withdrawal, with the introduction of an international security presence, would provide for enough security for the Kosovar refugees to return home. On June 9, Yugoslav and Serbian military officials and NATO KFOR commander Gen. Jackson signed a Military Technical Agreement on the phased withdrawal of all Yugoslav and Serbian forces and on KFOR. On June 21, the KLA concluded an accord with NATO on its demilitarization and the cantonment of most of its weapons. Under the accord, the international community would give consideration to allowing KLA members to join a new Kosovo police force or form a force similar to a national guard.

The other dimension to providing a secure environment in Kosovo has been the deployment of an international security presence in the province. Planning and ideas for this mission have evolved with fluctuations in the peace process. The October 1998 agreements allowed only civilian ground and unarmed aerial monitoring missions to verify compliance with peace terms. The Rambouillet agreement specifically invited NATO to deploy an international force (KFOR) to Kosovo and the rest of the FRY. NATO's initial planning for KFOR envisaged a force of about 28,000 troops. At Rambouillet and afterward, Yugoslavia rejected the presence of any foreign military force on its territory. During the course of the NATO air campaign, NATO upheld its condition that Belgrade accept an international security force in Kosovo with NATO "at its core." U.S. officials continued to insist that this meant that the force must have NATO command and control and rules of engagement. They expressed willingness to arrange for the participation of non-NATO members, such as Russia, along the lines of the command arrangements of the NATO force in Bosnia. Only such a force, they argued, could provide the security to allow refugees to return home and the KLA to disarm.<sup>6</sup>

Russian negotiators, the West's primary link to Milosevic, sought, unsuccessfully, to downplay the NATO role in the future security presence. Moreover, the May G8 statement referred only to "effective international civil and security presences," an apparent compromise on terminology. Finally in June, Milosevic accepted the principle of an "international security presence with substantial NATO participation...under unified command and control," clearing the way for U.S. and NATO agreement on deploying the force in Kosovo. NATO's plans, meanwhile, had evolved to a peace force in Kosovo of about 50,000. The increase in size from earlier plans reflected the more challenging conditions on the ground, with much larger numbers of refugees to be returned to Kosovo and with greater infrastructure

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<sup>6</sup>For example, see Op-Ed: "A Just and Necessary War," by President Clinton, *The New York Times*, May 23, 1999.

damage resulting from the air strikes and from the actions of Serbian forces.<sup>7</sup> KFOR's deployment, according to the terms of the MTA, is limited to Kosovo.

Russia's possible participation in KFOR provided another element of uncertainty after some 200 Russian troops entered Kosovo from Bosnia and unexpectedly assumed control of Pristina airport on June 12. Russia reportedly sought control of its own sector in Kosovo, while western governments feared that that development would lead to Kosovo's partition. On June 18, U.S. and Russian officials concluded an accord on Russia's participation in KFOR. It provides for 3,600 Russian troops to serve in KFOR in the U.S., German, and French sectors of KFOR, and does not give Russia its own sector.

In summary, meeting the objective of achieving a favorable security situation on the ground appears more promising after the NATO bombing than before. The terms governing both the presence of the local forces and the international security force are stronger now than the terms outlined in either the October agreements or the Rambouillet accords. All Yugoslav army and police forces have formally completed withdrawal from the province, the Yugoslav military remains damaged by the NATO air campaign,<sup>8</sup> and deployment of a larger international force under unified NATO command and control has commenced.

On the other hand, the continuation of the conflict and the increased level of brutalities through half of 1999 may have exacerbated the security situation in pockets of Kosovo where returning Albanian refugees seek retribution against local Serbs, or where there is any remaining Serbian resistance to the Albanians' return. The continued presence of ethnic Albanian and/or Serbian paramilitaries, with possibly hidden caches of armaments, may present future challenges to KFOR. The prolonged fighting in Kosovo may have allowed the Serbian military to lay additional mines throughout the province. In addition, U.N. resolution 1244 calls for "an agreed number," as yet unspecified, of Yugoslav military and Serb police personnel to be permitted to return to Kosovo to liaise with the international civil and security presence, mark and clear minefields, maintain a "presence" at Serb patrimonial sites in Kosovo, and maintain a "presence" at key border crossings. The actions and performance of the Russian troops in KFOR will also likely affect the security situation on the ground.

### **3. Achieve a durable political settlement**

Following months of shuttle diplomacy led by the U.S. envoys, Rambouillet was the first attempt by the international community, in particular the Europeans, to bring the Serb and Kosovar Albanian parties together under international auspices to agree on an interim peace arrangement for Kosovo. As reviewed earlier, Rambouillet

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<sup>7</sup>KFOR's ultimate size is likely to be even larger. NATO and non-NATO countries have volunteered to contribute a total of over 55,000 troops to KFOR. Department of Defense press briefing, June 24, 1999.

<sup>8</sup>The extent of the actual damage incurred by the Yugoslav Army during Operation *Allied Force* has been the subject of recent speculation in the press. For example, see "Damage to Serb Military Less than Expected," *The New York Times*, June 28, 1999.

granted autonomous self-government in Kosovo while maintaining Yugoslav sovereignty over the province. The peace agreement was to remain in force for three years. At the end of this period, the international community would convene a special conference “to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party’s efforts regarding the implementation of this Agreement, and the Helsinki Final Act.” Eventually signing the Rambouillet agreement, the Kosovar Albanian delegation made clear that it understood this provision to mean that a popular referendum would determine the final status of the province. The Rambouillet process was suspended after the Yugoslav delegation refused to accept the interim accord.

In contrast, U.N. resolution 1244 outlines the general principles of a political solution to Kosovo without the signatures or overt consent of the Yugoslav or Kosovar parties.<sup>9</sup> It assigns all civil and security responsibilities and functions to an international administration, effectively establishing a U.N. protectorate. It says that the international civil presence will promote the establishment of substantial autonomy and self-government in Kosovo, “taking full account of annex 2 (the Ahtisaari-Chernomyrdin principles) and of the Rambouillet accords.” It does not specify either a final status or a mechanism for a final status for Kosovo, although it refers to application of the resolution “pending a final settlement.” It remains thus unclear as to what entity the transitional U.N. arrangement will eventually transfer authority.

The resolution authorizes the establishment of the civil and security presences for an initial period of one year, implying a soft deadline, although it also says they are to continue thereafter unless decided otherwise by the Security Council. As it eschews a clear outline of a final political settlement for Kosovo, the U.N. resolution provides no “exit strategy” for the international civil and security administration of Kosovo. In a June report to the Security Council, the Secretary-General stated that his Special Representative will be responsible for facilitating a political process “designed to determine the future political status of Kosovo, taking into account the Rambouillet accords.”<sup>10</sup>

With regard to the structure of the international civil presence, the U.N. resolution differs from Rambouillet in that it increases the role and authority of the United Nations. Many other regional organizations, such as the European Union and the Organization for Security and Cooperation in Europe, are to become involved with peace implementation. However, all civil functions are to fall under the authority of the Special Representative of the Secretary-General (named to be Bernard Kouchner of France). Rambouillet, in contrast, assigned a larger and more autonomous role to the OSCE. Similar to Rambouillet is the separation of military and civilian commands and structures, with KFOR remaining separate and distinct from the civil mission, though with “close coordination” between the two.

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<sup>9</sup> Milosevic did accept the general principles worked out by the G8 and endorsed by the U.N. Security Council, and has thus far complied with the provisions regarding the withdrawal of his forces and acceptance of the NATO-led force in Kosovo. The KLA, likewise, committed to demilitarize.

<sup>10</sup>For a discussion of potential future models for Kosovo, see CRS Report RL30187, *Kosovo’s Future Status: Alternative Models*, by Francis T. Miko.

With peace implementation efforts having just begun, it is premature to assess whether the objective of reaching a durable political settlement is likely to be achieved. Much will depend on the leadership exercised by the international civil administration and how it interprets what "substantial autonomy" means in practice. Other important factors will be the level of engagement and resources provided by the international community, and the extent to which KFOR is able to provide a secure environment for, or directly assist, civilian peace implementation and reconstruction efforts.

A growing concern is that delays in getting a U.N. administrative infrastructure in place could delay progress across the board, especially the establishment of effective civil police administration. Delays have already prompted KLA members to seize control of administrative functions in numerous Kosovar towns. For the time being, KFOR will remain responsible for maintaining law and order in the absence of an effective civilian police force, although KFOR commanders are eager to turn that task over to the U.N. Another concern is whether the U.N. Security Council, especially permanent members Russia and China, can maintain a unified position in its oversight function. A third concern is that peace efforts in Kosovo cannot be insulated from potentially severe political instability in Serbia. Yugoslav leader Slobodan Milosevic remains in power, though for how long remains uncertain. U.S. officials have stated that Milosevic must step down from power and the United States has even offered a reward for information leading to his arrest and transfer to the Hague war crimes tribunal. The outcome of Serbia's crisis of political leadership will likely have enormous consequences for the shape of peace developments in Kosovo.

#### **4. Demonstrate NATO unity and resolve**

Observers have speculated that Milosevic's strategy was to ride out the NATO air campaign and wait for differences among the NATO allies to cause a rift within the alliance and an end to the air strikes. Many observers believed that Milosevic had good reason to question unity among NATO's 19 members on a lengthy air strike campaign against Yugoslavia. Before October, when NATO first threatened air strikes, some NATO members questioned the international legal basis for NATO's threat, as it came without specific U.N. Security Council authorization. In March 1999, some NATO member governments, such as Greece and Italy, continued to convey serious misgivings about engaging in air strikes. Popular support for the NATO action in member countries also varied greatly. In the end, however, all 19 NATO countries remained unified behind the air strikes for the duration of the campaign.

As the campaign wore on, some NATO governments came to favor the idea of instituting a "pause" in the air strikes to allow time for Milosevic to comply with NATO demands. The NATO summit in Washington on April 23-24, viewed as a critical juncture for maintaining allied unity on Kosovo, considered this proposal. The summit's statement on Kosovo for the first time specified that NATO would consider suspending the air strikes once Belgrade "began" to withdraw forces from Kosovo and accepted NATO's five conditions. Elsewhere in the statement, however, it was said that there would be "no compromise" and that the operation would continue. U.S. officials concluded then and afterward that NATO countries became more, not less, unified as the campaign wore on. Other observers questioned the durability of

allied consensus behind an even longer air campaign, especially if the ground invasion option were to come under active consideration.

The need for building and maintaining consensus within the 19-member alliance constrained to some extent decision-making on the conduct of the operation. Alliance cohesion may have necessitated a more incremental approach to the campaign than originally foreseen. NATO officials have conceded that the alliance's "command by committee" hampered the military leaders' ability to carry out an effective and flexible campaign, or to escalate the bombing.<sup>11</sup> On other military options, NATO members remained divided. For example, NATO member governments objected to the NATO commander's plans to enforce an oil and fuel embargo against Yugoslavia with deadly force. On the potential for NATO launching a ground offensive operation against Yugoslavia, Defense Secretary Cohen said repeatedly that there was no consensus among NATO countries on this prospect. Many observers have contended that the removal of this option from consideration severely limited the effectiveness of the air campaign. British Prime Minister Blair was both lauded and criticized for pressing NATO consideration of a ground offensive as the air campaign wore on.

With the official termination of the air campaign in mid-June, NATO countries are now engaged in deploying forces to Operation *Joint Guardian*, the peacekeeping mission undertaken by KFOR. Within NATO, the peacekeeping mission is much less divisive than were the air strikes. However, the KFOR mission is not without risks. Moreover, the current perceived need for KFOR to remain deployed in Kosovo for many years may pose challenges to alliance unity over time.

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<sup>11</sup>See "War Effort Restrained by Politics, Clark Says," *The Washington Post*, July 20, 1999, and "NATO general sees strategy shortcomings," *The Financial Times*, May 5, 1999.

## Appendix: Documentation

(reverse chronological order)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/779. July 12, 1999. (Available at the U.N. website, <http://www.un.org>)

“Undertaking of Demilitarization and Transformation by the UCK.” June 20, 1999. (Available at the U.S. Information Agency website, <http://www.usia.gov/regional/eur/balkans/kosovo/>)

“Agreement on Russian Participation in KFOR,” U.S. Department of Defense news release. June 18, 1999. (See USIA website.)

Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1244, S/1999/672. June 12, 1999. (See U.N. website.)

U.N. Security Council Resolution 1244. June 10, 1999. [Includes Group of 8 principles adopted on May 6 and agreement on principles accepted by Milosevic on June 3.] (See U.N. website.)

Statement by the President. June 10, 1999. (Available at the White House website, <http://www.whitehouse.gov>)

Text of the Military Technical Agreement. June 9, 1999. (See USIA website.)

“A Just and Necessary War,” by William Jefferson Clinton, Op-Ed, *The New York Times*. May 23, 1999.

“Statement on Kosovo,” NATO Washington summit. April 23-24, 1999. (Available at the NATO website, <http://www.nato.int>)

“The Situation in and around Kosovo,” North Atlantic Council statement. April 12, 1999. (See NATO website.)

“U.S. and NATO Objectives and Interests in Kosovo,” Fact Sheet by the Department of State. March 26, 1999. (Available at the State Department website, <http://www.state.gov>)

Statement by the President to the Nation. The White House. March 24, 1999. (See White House website.)

Press Statement by Javier Solana, Secretary-General of NATO. March 23, 1999. (See NATO website.)

Remarks by the President on the Situation in Kosovo. The White House. March 22, 1999. (See White House website.)

“Clinton on Kosovo: We Can Make a Difference,” *The New York Times*, February 14, 1999.

Rambouillet Agreement, Interim Agreement for Peace and Self-Government in Kosovo. Department of State. February 23, 1999. (See USIA website.)

Albright Policy Address on Kosovo, U.S. Institute of Peace. February 4, 1999. (See State Department website.)

Statement to the Press, NATO Secretary-General Solana. January 30, 1999. (See NATO website.)

Conclusions of the Contact Group, London, January 29, 1999. (See USIA website.)

Joint Statement on Kosovo, Secretary of State Albright and Russian Foreign Minister Ivanov. January 26, 1999. (See State Department website.)

U.N. Security Council Resolution 1203. October 24, 1998. (See U.N. website.)

“The OSCE Kosovo Verification Mission,” updated November 26, 1998. (Available at the OSCE website, <http://www.osceprag.cz>)

“Agreement of the OSCE Kosovo Verification Mission.” October 16, 1998. (See OSCE website.)

“Kosovo Verification Mission Agreement between NATO and the FRY,” October 15, 1998. (See NATO website.)

Clinton Remarks on Kosovo. October 8, 1998. (See White House website.)

U.N. Security Council Resolution 1199. September 23, 1998. (See U.N. website.)

U.N. Security Council Resolution 1160. March 31, 1998. (See U.N. website.)

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